

Stop the Amendments and Repeal the Destitute Persons Act 1977

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Media Statement, 8 December 2014**

The Destitute Persons Act 1977 (DPA 1977) today is the legacy of the failed British measure to address homelessness by means of arrest and detention. It is evident that even after more than 140 years, homelessness and poverty still exist. The approach taken by the colonial government of the 19th century was ineffective then, and remains ineffective today.

Under the DPA 1977, persons deemed to be “destitute” can be arrested, investigated and detained up to 3 years at welfare homes (detention centres), which detention may be extended for a further 3 years by the Order of the Magistrate. Persons who are homeless and poor are also at risk of imprisonment if deemed to be “resistant” during arrest or found to have breached strict rules imposed by welfare homes, rules akin to the now defunct restricted residence clauses.

Persons who are homeless and poor are being penalised for the State’s structural deficiencies. In other words, being “destitute” is a criminal offence in Malaysia. We are gravely concerned on the Minister of Women, Family and Community Development and Minister of Federal Territories’ intention to table amendments to the DPA 1977 with a view to criminalise acts deemed to be begging and to review laws and regulations to provide police-like powers to welfare officers in apprehending members of the community.

We urge the Ministry of Women, Family and Community Development, the Ministry of Federal Territories and all lawmakers to stop the said amendments and hold an inclusive Town Hall consultation with the community, the single most important stakeholder. We firmly believe that the DPA 1977 should be repealed and existing policies, rules, regulations and powers of relevant agencies be revised to widen the scope of the same to empower and uplift the quality of lives of the community.

We hereby call upon the government to uphold the spirit of the promised consultation and hold the same without any further delay. In the absence of such consultation, any decisions or steps taken to amend the DPA 1977 will extinguish all commitments, hopes and promises made by the government to the community. The “Rakyat DiDahulukan, Pencapaian DiUtamakan” motto must not ring hollow especially when all stakeholders are at the critical juncture where the possibilities of identifying and addressing the issues are real.

Released by:
Persatuan Kesedaran Komuniti Selangor (EMPOWER)

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1. Dapur Jalanan Kuala Lumpur
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Hentikan Pindaan dan Mansuh Akta Orang-Orang Papa 1977 Kenyataan Akhbar, 8 Disember 2014

Akta Orang-Orang Papa 1977 (AOP 1977) hari ini merupakan tinggalan penjajah British dan kegagalan pendekatannya untuk menangani isu kemiskinan warga kota dengan cara penangkapan dan penahanan warga miskin kota tanpa rumah. Jelas, setelah lebih 140 tahun, warga miskin kota tanpa rumah masih wujud. Pendekatan kerajaan penjajah pada abad ke-19 tidak berkesan dahulu dan masih tidak berkesan sekarang.

Di bawah AOP 1977, sesiapa yang dianggap "papa" boleh ditangkap, disiasat dan ditahan sehingga 3 tahun di rumah kebajikan (pusat tahanan) dan penahanan boleh dipanjangkan sehingga 3 tahun dengan Perintah Majistret. Warga miskin kota tanpa rumah juga berhadapan dengan risiko penjara sekiranya dianggap "menentang" ketika ditangkap atau didapati melanggar peraturan-peraturan ketat di pusat tahanan, seakan-akan sama dengan Kediaman Terhad yang telah dimansuhkan.

Warga miskin kota dihukum atas kekurangan struktur kerajaan. Dalam erti kata lain, "kepapaan" adalah satu kesalahan jenayah di Malaysia. Kami bimbang terhadap rancangan Kementerian Wanita, Keluarga dan Pembangunan Masyarakat dan Kementerian Wilayah Persekutuan untuk mengusulkan pindaan terhadap AOP 1977 dengan tujuan menjenayahkan aktiviti yang dianggap mengemis dan niat untuk menyemak undang-undang dan peraturan-peraturan untuk memberi "kuasa polis" kepada pegawai kebajikan dalam menangani isu komuniti miskin kota.

Kami menggesa pihak-pihak Kementerian dan penggubal undang-undang supaya hentikan pindaan terhadap AOP 1977 dan adakan Mesyuarat Dewan Bandar yang inklusif dengan pihak berkepentingan yang paling utama iaitu komuniti miskin kota itu sendiri. Kami percaya bahawa AOP 1977 harus dimansuhkan dan polisi, kaedah dan peraturan

sedia ada disemak untuk memberi kuasa yang lebih luas kepada agensi-agensi berkenaan untuk memperkasa dan meningkatkan kualiti hidup komuniti miskin kota.

Kami menyeru pihak kerajaan supaya mengekalkan intipati konsultasi seperti dijanjikan dan adakan Mesyuarat Dewan Bandar secepat mungkin. Tanpa konsultasi tersebut, sebarang keputusan atau langkah-langkah yang diambil untuk meminda AOP 1977 akan sekaligus menghancurkan segala komitmen, harapan dan janji-janji yang telah dibuat oleh kerajaan kepada komuniti miskin kota. Moto “Rakyat DiDahulukan, Pencapaian DiUtamakan” harus dipraktikkan terutamanya apabila semua pihak berkepentingan sudah bersedia mengenalpasti dan menangani isu-isu kemiskinan kota.

Diterbitkan oleh:

Persatuan Kesedaran Komuniti Selangor (EMPOWER)

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